

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yu *et al.*

Appl. No. 09/314,889

Filed: May 19, 1999

For: **Death Domain Containing
Receptors**

Art Unit: 1646

Examiner: Ulm, J.

Atty. Docket: 1488.0310006/EKS/KRM

01 OCT - 9 PM 4:06

RECEIVED
TECH CENTER 1600/2900

**Petition to Withdraw Holding of Abandonment
Under 37 C.F.R. § 1.181(a)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants received a Notice of Abandonment mailed by the U.S. Patent and Trademark Office ("PTO") on September 28, 2001 (Paper No. 14). The Notice stated that the captioned application was abandoned for failure to reply to an Office Action dated February 21, 2001. As demonstrated herein below, the holding of abandonment is in error. Applicants respectfully petition the Commissioner to withdraw the holding of Abandonment and to return the application to the Examiner to continue prosecution of the captioned application.

Statement of Facts

A final Office Action was mailed by the PTO on February 21, 2001. A Reply to this Office Action was due on May 21, 2001, with extensions available through August 21, 2001.

A Reply, fully responsive to the final Office Action, was timely filed on May 21, 2001. The Reply was received by the PTO, but did not put the application in condition for allowance as indicated by the Advisory Action dated June 6, 2001 (Paper No. 13).

Applicants then filed a Continued Prosecution Application (CPA) on June 21, 2001, along with a Petition for One-Month Extension of Time, a Preliminary Amendment, and the appropriate fees in Check No. 31691.

A photocopy of the CPA Request, Petition for Extension of Time, Preliminary Amendment, the canceled Check No. 31691, and the date-stamped postcard are enclosed herewith as Exhibit A.

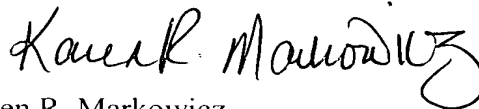
This petition is believed to be timely, as the Notice of Abandonment was mailed by the U.S. Patent and Trademark Office on September 28, 2001, and received by Applicants' undersigned representative on October 5, 2001.

Relief Requested

Applicants respectfully petition the Commissioner to withdraw the holding of Abandonment and to return the application to the Examiner to continue prosecution of the captioned application. No petition fee is believed to apply to this petition. However, if a petition fee or any extensions of time under 37 C.F.R. § 1.136 are required to prevent abandonment of the present patent application, then such extensions of time are hereby requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Karen R. Markowicz
Agent for Applicants
Registration No. 36,351

Date: October 9, 2001

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

ENCLS.
PAUSERS\KAREN\MPetit to wd Abandonment.031